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## JUDGES

### Retirement - Pension - Unpaid leave

A Traffic Tribunal judge is entitled to only a 75 percent pension, as an extended unpaid leave of absence that she took prior to retiring at age 65 cannot be credited toward her pension as time served under G.L. §8-8.2-6(a), a Superior Court judge concludes. *State, et al. v. Yashar* (Lawyers Weekly No. 61-036-07) (76 pages).

## RETIREMENT

### COLA benefits

The defendant Providence City Council, having improperly reduced retroactively the vested "cost of living adjustment" benefits of plaintiff police and fire department members and their spouses, should be ordered to reimburse the plaintiffs for missed or reduced COLA payments between their respective dates of retirement and the filing of their complaint on May 4, 2001, the Rhode Island Supreme Court concludes.

*Arena, et al. v. City of Providence, et al.* (Lawyers Weekly No. 60-035-07) (30 pages).

### Divorce - Disability pension

A judge did not err in finding a divorced man not to be entitled to a share of his ex-wife's disability pension, as an oral agreement under which the husband waived his right to any interest in the pension is enforceable, the Rhode Island Supreme Court states.

*DeAngelis v. DeAngelis* (Lawyers Weekly No. 60-055-07) (15 pages).

## WORKERS' COMPENSATION

### Assault at work

A petitioner, who was assaulted by a coworker and is, as a result, suffering from physical injuries and a stress-related condition, is entitled to recover partial incapacity workers' compensation benefits, determines the Workers' Compensation Court. *Mello v. City of Providence* (Lawyers Weekly No. 72-008-07) (27 pages).

### LHWCA - Legal malpractice

The Longshore and Harbor Workers' Compensation Act does not provide an employer with "a statutory right to seek damages against an injured employee's attorneys for legal malpractice in pursuing the employee's claims against a responsible third party," the 1st U.S. Circuit Court of Appeals decides.

*ITT Federal Services Corp., et al. v. Montano, et al.* (Lawyers Weekly No. 01-017-07) (10 pages).